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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,686

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Eiji Sugiyama

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DAY PITNEY LLP

7 TIMES SQUARE

NEW YORK, NY 10036-7311

EXAMINER

RIVIERE, HEIDI M

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,686	<b>Applicant(s)</b> SUGIYAMA ET AL.	
	<b>Examiner</b> HEIDI RIVIERE	<b>Art Unit</b> 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 1-20** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. According to MPEP section 2106, a claimed invention is a judicial exception and a practical application of 35 U.S.C. 101 when it “transforms” an article or physical object to a different state or thing”. The above mentioned claims disclose acquiring information, however this information is not transformed into something beyond being data. Therefore, these claims are not statutory.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 29 and 42** are rejected under 35 U.S.C. 102(e) as being anticipated by **McMorris, III et al. (US 2004/0230443)** (hereinafter “**McMorris**”).

5. **With respect to claim 29:** (new) McMorris teaches converting an environmentally-friendly value index of plant-based resource, in terms of that of fossil-based resource, for communicating the environmental friendly value between a potential seller and a potential buyer. (paragraphs 59-62 - protocol uses “IPCC Global Warming Potential (GWP) conversion factors (to enable equivalent comparison of different greenhouse gases in terms of carbon dioxide equivalents)”)

6. **With respect to claim 42:** (new) McMorris teaches converting an environmentally-friendly value index of plant-based resource, in terms of that of fossil-based resource, for communicating the environmental friendly value between a potential seller and a potential buyer. (paragraphs 59-62 - protocol uses “IPCC Global Warming Potential (GWP) conversion factors (to enable equivalent comparison of different greenhouse gases in terms of carbon dioxide equivalents)”)

7. **Claim 50** is rejected under 35 U.S.C. 102(e) as being anticipated by **Sandor et al. (US 2006/0184445)** (hereinafter “**Sandor**”)

8. **With respect to claim 50:** (new) A computer device for a system operator in emissions trading through communicating among a potential seller, a potential buyer and a third party certification organization, comprising:

- a first communicating component able to receive a request for certification by a potential seller for calculation of an environmentally-friendly value index on an amount of carbon in a product made by the potential seller; and a second communicating component able to receive a certification

from the third party certification organization as to the results of the calculation of the environmentally-friendly value index, a third communicating component able to send the certification to the potential seller and the potential buyer; a fourth communicating component able to receive an offer and acceptance from the potential seller and the potential buyer after the certification is given to the potential seller and the potential buyer; and a fifth communicating component able to complete closing between the potential seller and the potential buyer. (paragraphs 70, 73-78, 140 – technology standards used in communicating to members and or participants; carbon credits trading platform coupled to registry to obtain and communicate information; renewal energy certificates part of market)

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-20, 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leslie Webb, “Sticking to the Requirements of Eco-labels”, PPI, Oct. 2000, Vol. 42, Iss. 10, page 39 (hereinafter “**Webb**”) in view of **Riina-Riitta Helminen**, “Developing Tangible Measures for Eco-Efficiency: The Case of the Finnish and Swedish Pulp and

Paper Industry”, Business Strategy and the Environment, May/June 2000, page 196 (hereinafter “**Helminen**”).

11. **With respect to claims 1 and 11:** Webb teaches:

- a step of computing a corresponding production volume of a second product based on a production process of the second product, onto which said labeling right is exercised, in which said volume corresponds to the environmentally-friendly value index acquired by the above step of acquiring said environmentally-friendly value index. (pages 2-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined)

Webb teaches the limitation in the rejection above however while Webb does not teach, Helminen teaches:

- a step of acquiring an environmentally-friendly value index, which is an index for environmentally-friendly value based on a production volume and a production process of the first product; (pages 198-199 – value added equation with inventory variable as well as taxes and other factors that go into producing a product, used in cost production unit level)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Webb and Helminen and have a label on a

product to signify that it falls within an environmentally-friendly value index. This details the environmental impact and effect of the product.

12. **With respect to claims 2 and 12:** Webb teaches said environmentally-friendly value index corresponds to an amount of carbon derived from plant-based and/or fossil-based resources used in producing said first product. (pages 2-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined)

13. **With respect to claims 3 and 13:** Webb teaches said environmentally-friendly value index corresponds to an amount of carbon derived from plant-based and/or fossil-based resources used in producing said first product; and to an amount of carbon derived from plant- and/or fossil-based resources in terms of energy in production used in said production. (pages 2-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined)

14. **With respect to claims 4 and 14:** Webb teaches said environmentally-friendly value index corresponds to an amount of carbon derived from plant- and/or fossil-based resources in terms of energy in production used in producing said first product. (pages 1-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported

electricity for on-site processes”; levels of carbon dioxide emissions determined; threshold of CO<sub>2</sub> also determined in regards to the application of the label)

15. **With respect to claims 5 and 15:** Webb teaches said environmentally-friendly value index corresponds to an amount of carbon derived from plant- and/or fossil-based resources, which is contained in said first product; and to an amount of carbon derived from plant- and/or fossil-based resources in terms of energy in production used in said production. (pages 1-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined; threshold of CO<sub>2</sub> also determined in regards to the application of the label)

16. **With respect to claims 6 and 16:** Webb teaches said environmentally-friendly value index corresponds to an amount of carbon derived from plant- and/or fossil-based resources, which is contained in said first product. (pages 1-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined; threshold of CO<sub>2</sub> also determined in regards to the application of the label)

17. **With respect to claims 7 and 17:** Webb teaches wherein said corresponding production volume corresponds to a production volume of a second product containing a predetermined proportion of an amount of carbon, which corresponds to the amount of carbon contained in said first product as produced. (pages 1-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the



reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined; threshold of CO<sub>2</sub> also determined in regards to the application of the label)

18. **With respect to claims 9, 19, and 28:** Webb teaches said fossil-based resource is identical to the first product; and said corresponding production volume corresponds to a production volume of a second product produced from an amount of the fossil-based resource, which is a predetermined proportion of the amount of the first product produced. (pages 1-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined; threshold of CO<sub>2</sub> also determined in regards to the application of the label)

19. **With respect to claims 10 and 20:** Webb teaches a step of acquiring certification request information, the gist of which is a request for certification of a labeling right; a step of outputting certification information including information on a corresponding production volume, based on the certification request information acquired in the step of acquiring certification request information; a step of acquiring transfer request information, the gist of which is a request for transfer of the labeling right received in correspondence with the output of the certification information according to the step of outputting said certification information; step of acquiring acceptance request information, the gist of which is a request for acceptance of the labeling right; and a step of comparing the transfer request information acquired in the step of acquiring said transfer request information, and the acceptance request

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information acquired in the step of acquiring acceptance request information. (pages 1-5 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined; threshold of CO<sub>2</sub> also determined in regards to the application of the label; pulps must be ‘derived from forests that have been certified by an approved system such as the Swedish FSC standard”)

20. **Claims 8 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Webb** in view of **Helminen** and further in view of **McMorris**.

21. **With respect to claims 8 and 18:** The method of transferring eco-value according to Claim 1, wherein said organic compound used in producing the first product is identical to an organic compound used in producing a second product; (paragraphs 59-62 - protocol uses “IPCC Global Warming Potential (GWP) conversion factors (to enable equivalent comparison of different greenhouse gases in terms of carbon dioxide equivalents)”) and

- said corresponding production volume corresponds to the production volume of the second product produced by using an amount of said organic compound, which is a predetermined proportion of the amount of the organic compound used in producing said first product. (pages 1-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference

consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined; threshold of CO<sub>2</sub> also determined in regards to the application of the label)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Webb, Helminen and McMorris have a label on a product to signify that it falls within an environmentally-friendly value index. McMorris details a system used in the trading of carbon credits and conversion factors used to determine carbon dioxide equivalents. This details the environmental impact and effect of the product.

22. **Claims 21-27, 30-41, 44-49, 51-53** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sandor** in view of **Webb**.

23. **With respect to claims 21, 26 and 39:** (new) Sandor teaches:

- communicating the environmental friendly value between a potential seller and a potential buyer. (paragraphs 73-75 – carbon credits trading platform coupled to registry to obtain and communicate information; carbon financial instruments are traded)

Sandor does not teach the following limitation, however Webb teaches:

- calculating an environmentally-friendly value index based on an amount of carbon in a product; (pages 2-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the

reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined) and

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Webb and Sandor. Sandor details a system used in the trading on a market of carbon credits. Webb discloses that calculating the amount of carbon in a product is important in determining what label to place on it. Both should be combined because to sell a product based on environmental reasons you have to know the carbon content of the product which is a value that makes trading easier among buyers and sellers.

24. **With respect to claims 22, 24, 31, 32, 40, 45:** (new) Sandor teaches the limitations cited in the rejections above. Sandor does not teach, however Webb teaches said environmentally- friendly value index corresponds to an amount of carbon derived from plant-based resources in producing said products. (pages 2-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Webb and Sandor. Sandor details a system used in the trading on a market of carbon credits. Webb discloses that calculating the amount of carbon in a product is important in determining what label to place on it. Both should be combined because to sell a product based on environmental reasons you

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have to know the carbon content of the product which is a value that makes trading easier among buyers and sellers.

25. **With respect to claims 23, 25, 33, 34, 41, 46:** (new) Sandor teaches said environmentally- friendly value index corresponds to an amount of carbon derived from fossil-based resources in producing said products. (paragraphs 113-119, 204-206, 209-210 – fuel use utilized in calculation of amount of fuel consumed; consumption data expressed in metric tons of CO<sub>2</sub>)

26. **With respect to claim 27:** (new) Sandor teaches:

- communicating the environmentally-friendly value between the potential seller and a potential buyer for markup in an environmentally-friendly value of a second product made by the potential buyer; and completing a deal between the potential seller and the potential buyer. (paragraphs 73-75 – carbon credits trading platform coupled to registry to obtain and communicate information; carbon financial instruments are traded)

Sandor does not teach the following limitation, however Webb teaches:

- calculating an environmentally-friendly value index based on an amount of carbon in a first product made by a potential seller; (pages 2-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Webb and Sandor. Sandor details a system used in the trading on a market of carbon credits. Webb discloses that calculating the amount of carbon in a product is important in determining what label to place on it. Both should be combined because to sell a product based on environmental reasons you have to know the carbon content of the product which is a value that makes trading easier among buyers and sellers.

27. **With respect to claim 30:** (new) Sandor teaches the limitations cited in the rejections above. Sandor does not teach, however Webb teaches:

- computing the environmentally-friendly value index based on a production volume and a production process of said first product; and computing a corresponding production volume of the second product based on a production process of said second process, in which said volume of said second product corresponds to the environmentally-friendly value index computed from the first computing step. (pages 2-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Webb and Sandor. Sandor details a system used in the trading on a market of carbon credits. Webb discloses that calculating the amount of carbon in a product is important in determining what label to place on it. Both

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should be combined because to sell a product based on environmental reasons you have to know the carbon content of the product which is a value that makes trading easier among buyers and sellers.

28. **With respect to claim 35:** (new) Sandor teaches the step of certifying the environmentally-friendly value index by a third party other than the potential seller and the potential buyer. (paragraphs 140, 220 – renewable energy certificates integrated into system)

29. **With respect to claim 36:** (new) Sandor teaches:

- transmitting the environmentally-friendly value index and its selling price by a potential seller; transmitting a request for the environmentally-friendly value index and its buying price by a potential buyer; and completing transactions between the potential seller and the potential buyer. (paragraph 77 - executing buying or selling orders on electronic trading platform)

Sandor does not teach the following limitation, however Webb teaches:

- calculating an environmentally-friendly value index based on an amount of carbon in a product for a seller; (pages 2-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Webb and Sandor. Sandor details a system used

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in the trading on a market of carbon credits. Webb discloses that calculating the amount of carbon in a product is important in determining what label to place on it. Both should be combined because to sell a product based on environmental reasons you have to know the carbon content of the product which is a value that makes trading easier among buyers and sellers.

30. **With respect to claims 37 and 38:** (new) Sandor teaches:

- transmitting the environmentally-friendly value index and its selling price by a potential seller; transmitting a request for the environmentally-friendly value index and its buying price by a potential buyer; (paragraphs 70, 73-78, 140 – technology standards used in communicating to members and or participants; carbon credits trading platform coupled to registry to obtain and communicate information; renewal energy certificates part of market)and
- completing transactions between the potential seller and the potential buyer. (paragraph 77 - executing buying or selling orders)

Sandor does not teach the following limitation, however Webb teaches:

- calculating an environmentally-friendly value index based on an amount of carbon derived from plant-based resource in a product for a seller; (pages 2-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined)



It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Webb and Sandor. Sandor details a system used in the trading on a market of carbon credits. Webb discloses that calculating the amount of carbon in a product is important in determining what label to place on it. Both should be combined because to sell a product based on environmental reasons you have to know the carbon content of the product which is a value that makes trading easier among buyers and sellers.

31. **With respect to claim 44:** (new) A computing system for emissions trading comprising:

- a communicating component able to communicate the environmental friendly value between a potential seller and a potential buyer. (paragraph 73 – carbon credits trading platform coupled to registry to obtain and communicate information)

Sandor does not teach the following limitation, however Webb teaches:

- a calculating component able to compute an environmentally-friendly value index based on an amount of carbon in a product; (pages 2-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Webb and Sandor. Sandor details a system used

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in the trading on a market of carbon credits. Webb discloses that calculating the amount of carbon in a product is important in determining what label to place on it. Both should be combined because to sell a product based on environmental reasons you have to know the carbon content of the product which is a value that makes trading easier among buyers and sellers.

32. **With respect to claim 47:** (new) A computer-system for emissions trading, comprising:

- a communicating component able to communicate the environmentally-friendly value between the potential seller and a potential buyer for markup in an environmentally-friendly value of a second product made by the potential buyer; (paragraphs 70, 73-78, 140 – technology standards used in communicating to members and or participants; carbon credits trading platform coupled to registry to obtain and communicate information; renewal energy certificates part of market) and
- a deal completing component able to complete a deal between the potential seller and the potential buyer. (paragraph 77 - executing buying or selling orders)

Sandor does not teach the following limitation, however Webb teaches:

- a calculating component able to calculate an environmentally-friendly value index based on an amount of carbon in a first product made by a potential seller; (pages 2-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference

consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Webb and Sandor. Sandor details a system used in the trading on a market of carbon credits. Webb discloses that calculating the amount of carbon in a product is important in determining what label to place on it. Both should be combined because to sell a product based on environmental reasons you have to know the carbon content of the product which is a value that makes trading easier among buyers and sellers.

33. **With respect to claim 48:** (new) Sandor teaches:

- a communicating component able to send a request for calculation of an environmentally- friendly value index on an amount of carbon in a product made by the potential seller; (paragraph 73 – carbon credits trading platform coupled to registry to obtain and communicate information) and

Sandor does not teach the following limitation, however Webb teaches:

- a receiving component able to receive the results of the calculation of the environmentally-friendly value index. (pages 2-3 – eco-label for printing paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Webb and Sandor. Sandor details a system used

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in the trading on a market of carbon credits. Webb discloses that calculating the amount of carbon in a product is important in determining what label to place on it. Both should be combined because to sell a product based on environmental reasons you have to know the carbon content of the product which is a value that makes trading easier among buyers and sellers.

34. **With respect to claim 49:** (new) Sandor teaches:

- a first communicating component able to receive a request for certification by a potential seller for calculation of an environmentally-friendly value index on an amount of carbon in a product made by the potential seller; (paragraphs 70, 73-78, 140 – technology standards used in communicating to members and or participants; carbon credits trading platform coupled to registry to obtain and communicate information; renewal energy certificates part of market) and
- a second communicating component able to send back to the potential seller the certification of the results of the calculation of the environmentally-friendly value index. (paragraphs 70, 73-78, 140 – technology standards used in communicating to members and or participants; carbon credits trading platform coupled to registry to obtain and communicate information; renewal energy certificates part of market)

Sandor does not teach the following limitation, however Webb teaches:

- a certifying component able to certify the results of the calculation of the environmentally-friendly value index, (pages 2-3 – eco-label for printing

paper, covers woodfree and wood containing papers; “manufacturer must calculate the reference consumption of fuels and imported electricity for on-site processes”; levels of carbon dioxide emissions determined) and

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Webb and Sandor. Sandor details a system used in the trading on a market of carbon credits. Webb discloses that calculating the amount of carbon in a product is important in determining what label to place on it. Both should be combined because to sell a product based on environmental reasons you have to know the carbon content of the product which is a value that makes trading easier among buyers and sellers.

35. **With respect to claim 51:** (new) Sandor teaches:

- a communicating component able to send a request for trading of an environmentally- friendly value index on an amount of carbon in a product made by a potential seller; (paragraph 73 – carbon credits trading platform coupled to registry to obtain and communicate information) and
- a receiving component able to receive offer from the potential seller based on the results of the calculation of the environmentally-friendly value index. (paragraphs 67-69 – bids for carbon credits are received via the auction system)

36. **With respect to claim 52:** (new) Sandor teaches communication is conducted through a network. (paragraphs 61, 198-200 - network used in carbon credit trading and exchange system)

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37. **With respect to claim 53:** (new) Sandor teaches communication is conducted through the Internet. (paragraphs 61 - network used is the Internet)

38. **Claim 43** is rejected under 35 U.S.C. 103(a) as being unpatentable over **McMorris** in view of **Sandor**.

39. **With respect to claim 43:** (new) McMorris teaches the limitations in claim 42 cited in the rejection above. However, while McMorris does not Sandor teaches certifying the environmentally-friendly value index by a third party other than the potential seller and the potential buyer. (paragraphs 140, 220 – renewable energy certificates integrated into system)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Sandor and McMorris. McMorris details a system used in the trading of carbon credits and conversion factors used to determine carbon dioxide equivalents. Sandor also teaches a carbon credits trading system however it details that these credits can be certified.

### **CONCLUSION**

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heidi Riviere whose telephone number is 571-270-1831. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. R./  
Examiner, Art Unit 3689